



1/16/04

3611

Docket 16952CON1DIV8DIV3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: AOKI, et al.,) Examiner: Billy D. Chism
Serial Number: 09/883,763) Art Unit: 1654
Filed: June 18, 2001) Confirmation No.: 3611
For: METHOD FOR TREATING PAIN)
WITH BOTULINUM TOXIN TYPE B) Irvine, California

TRANSMITTAL LETTER

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JAN 21 2004

GROUP 3600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please find enclosed with regard to the above-identified pending U.S. patent application: (1) a 2 page response to the December 29, 2003 Office Action in the above-identified patent application; (2) this 2 page Transmittal Letter, and; (3) a return postcard.

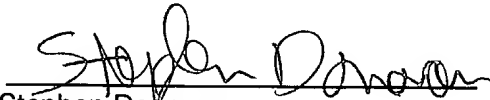
CLAIMS AS FILED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	04	32	= 0 x	\$18.00	= \$0.00
Independent Claims	02	04	= 0 x	\$86.00	= \$0.00
If application has been amended to contain multiple dependent claim(s), then add			0	\$290.00	= \$0.00
Time Extension Fees:			0 month		= \$0.00
Terminal Disclaimer Fee:			0 x	\$110.00	= \$0.00
Request for Continued Examination (RCE)			0	\$770.00	= \$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

The Commissioner is hereby authorized to charge any fees required or necessary for the filing, processing or entering of this paper or any of the enclosed papers, and to refund any overpayment, to deposit account 01-0885.

Respectfully submitted,

Date: January 14, 2004


Stephen Donovan
Registration Number 33,433

Please direct all correspondence to:

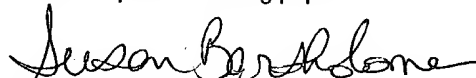
Stephen Donovan
Allergan, Inc. T2 7H
Tower Two, Seventh Floor
2525 Dupont Drive
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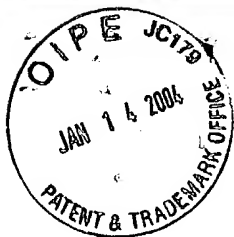
CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this Response to Office Action and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date **January 14, 2004** in an envelope as "Express Mail Post Office to Addressee" Mailing Label number **EV193721297US** addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan Bartholomew
Name of person mailing paper


Signature of person signing paper

Date: January 14, 2004



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For: METHOD FOR TREATING PAIN)
<u>WITH BOTULINUM TOXIN TYPE B</u>) Irvine, California

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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GROUP 3600

I. The Office Action

The December 29, 2003 office action (the "Office Action") in this application requested applicants to restrict to one of the inventions of Groups I, II, III, IV, V, VI, VII and VIII.

Applicants elect Group VIII, claims 21, 38, 41 and 51 with traverse on the basis that all of the claims are limited to use of a botulinum toxin type B, hence a single search should suffice to search all the claims.


The non-elected claims 22-37, 39-40, 42-50 and 52 are hereby cancelled without prejudice to further prosecution at a later date.

Please note that the title of this application, as amended by the preliminary amendment filed with the application, is "METHOD FOR TREATING PAIN WITH BOTULINUM TOXIN TYPE B", and that the filing receipt sets forth an incorrect title. A corrected filing receipt is requested.

Examination and allowance of claims 21, 38, 41 and 51 is requested.

Respectfully submitted,

Date: January 14, 2004


Stephen Donovan
Registration Number 33,433

Please direct all correspondence to:

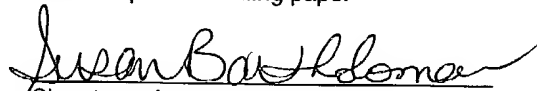
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Susan Bartholomew
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Date: January 14, 2004